

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

09/11/2002

CLERK OF THE COURT  
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza  
Deputy

LC 2002-000063

FILED: \_\_\_\_\_

STATE OF ARIZONA

DIANA C HINZ

v.

MAJID MALAKIAN

NEAL W BASSETT

PHX CITY MUNICIPAL COURT  
REMAND DESK CR-CCC

MINUTE ENTRY

PHOENIX CITY COURT

Cit. No. #8968738

Charge: SOLICITATION OF PROSTITUTION

DOB: 01-06-60

DOC: 08-29-01

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement since its assignment on August 12, 2002. This decision is made within 30 days as required by Rule 9.8, Maricopa County Superior Court Local Rules

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of Practice. This Court has considered the record of the proceedings from the Phoenix City Court, and the Memoranda submitted by counsel.

The only issue submitted by Appellant is that he was denied his Federal and Arizona Constitutional Rights of Equal Protection when the trial court denied his Motion to Compel the prosecution to allow him into a diversion program, alternatively, to dismiss the charge against him. Appellant was charged and convicted of Solicitation of Prostitution, a class 1 misdemeanor in violation of A.R.S. Section 23-52(a)(2) of the Phoenix City Code as amended.

Appellant filed a Motion to Compel or, Alternatively, to Dismiss the Charge claiming that the diversion program for prostitutes operated by the City of Phoenix denied Appellant his rights of equal protection. It appears from the court's file that the P.D.P. (Prostitute Diversion Program) was not discriminatory based upon gender. That program is open to male and female prostitutes, regardless of their gender. However, that particular program is not available to customers of prostitutes. Clearly, there exists a rational basis for distinguishing within modes of treatment for prostitutes and customers of prostitutes. Each of these very different groups will pose many physically and emotionally different issues to warrant graduation from a diversion program. This Court finds no equal protection issue or violation.

IT IS THEREFORE ORDERED affirming the Phoenix City Court's order denying Appellant's Motion to Dismiss.

IT IS FURTHER ORDERED affirming the judgment of guilt and sentence imposed by the Phoenix City Court.

IT IS FURTHER ORDERED remanding this case back to the Phoenix City Court for all further and future proceedings in this case.